

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

TUESDAY, THE 10TH JULY 2007 / 19TH ASHADHA 1929

CRL.A.No. 667 of 1999()

**STC.1372/1997 of JUDL.MAGISTRATE OF FIRST CLASS COURT-I,
KANNUR DT.4.1.1999.**
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APPELLANT: COMPLAINANT

**K.E.JAS, PROPRIETOR,
SANGEETHA THEATRE, KANNUR.**

BY ADV. SRI.K.T.SHYAMKUMAR

RESPONDENTS: ACCUSED

- 1 JANARDHANAN,
MANAGING DIRECTOR, CHAKRAVARTHINI
FILM CORPORATION, TRICHUR 680 620.**
- 2. PAPPACHAN, PARTNER,
CHAKRAVARTHINI FILM CORPORATION
P.B. NO.1, ARIMPUR P.O.,
TRICHUR 680 620.**
- 3. STATE OF KERALA,
REP.BY PUBLIC PROSECUTOR
ADVOCATE GENERALS OFFICE,
ERNAKULAM.**

BY PUBLIC PROSECUTOR SRI.C.K.SURESH

**THIS CRIMINAL APPEAL HAVING BEEN FINALLY HEARD
ON 10/07/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

K.R. UDAYABHANU, J.

CRL.A.NO.667 of 1999-C

DATED THIS THE 10TH JULY 2007

JUDGMENT

The appellant is the complainant in S.T.C.No. 1372/1997 in the file of the Judicial Magistrate of First Class-I, Kannur with respect to the proceedings initiated under Section 138 of the Negotiable Instruments Act. The accused was acquitted under Section 256(1) of the Code of Criminal procedure. It is the case of the appellant is that on the particular day, he happened to be absent as he could not appear before the court on account of unforeseen events.

In the circumstances, the order of the court below is set aside. The court below is directed to permit the appellant/complainant to further pursue the matter and dispose of the case on merits. The appellant shall appear before the court below on 30-7-2007. The court below shall issue fresh summons to the accused/respondent. The appeal is allowed.

K.R. UDAYABHANU, JUDGE

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K.R. UDAYABHANU,J.

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CRL.A.NO.667 of 1999-C

JUDGMENT

10-7-2007

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